

# DECISION



THE COMPTROLLER GENERAL  
OF THE UNITED STATES  
WASHINGTON, D. C. 20548

FILE: B-221723.2

DATE: February 26, 1986

MATTER OF: Joseph L. De Clerk and Associates,  
Inc.--Reconsideration

## DIGEST:

The General Accounting Office Bid Protest Regulations, 4 C.F.R. § 21.12(a) (1985), do not permit a piecemeal presentation of evidence, information, or analyses. Where a party submits in its request for reconsideration an argument that it could have presented at the time of the protest but did not, the argument does not provide a basis for reconsideration.

Joseph L. De Clerk and Associates, Inc. requests that we reconsider our decision in Joseph L. De Clerk and Associates, Inc., B-221723, Feb. 10, 1986, 86-1 CPD ¶ \_\_\_, in which we dismissed De Clerk's protest against the proposed award of a contract to Nations, Inc., under request for proposals (RFP) No. DAAB07-85-R-K040, issued by the United States Army Communications-Electronics Command, Fort Monmouth, New Jersey. We deny the request for reconsideration.

In our prior decision, we concluded that none of De Clerk's allegations presented a valid basis for protest. We stated that since De Clerk's proposal was included in the competitive range and its ranking, compared to that of the awardee, might have changed on the basis of the best and final offers, the Army's request for such an offer from De Clerk was proper. We found that since there was no solicitation requirement that award be made on the basis of lowest proposed price or cost, and since the protester merely asserted that it was the low offeror on one item, De Clerk's contention that it should have received an award based on its low offer was without merit. We also found that De Clerk's contention that the Army disclosed its proposed price to Nations amounted to mere conjecture, and that there is no regulation that restricts disclosure of offerors' price proposals to members of an agency's technical evaluation team.

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In its request for reconsideration, De Clerk argues for the first time that the Army failed to conduct meaningful discussions with the firm in violation of the Competition in Contracting Act of 1984, 10 U.S.C.A. § 2305 (West Supp. 1985), and the Federal Acquisition Regulation, §§ 15.610, 15.611 (FAC 85-4, Apr. 1, 1985).

Our Bid Protest Regulations require that a request for reconsideration contain a detailed statement of the factual and legal grounds for such action, specifying any errors of law or information not previously considered. 4 C.F.R. § 21.12(a) (1985). Our procedures do not permit a piecemeal presentation of evidence, information, or analyses. Where, as here, a party submits in its request for reconsideration an argument that it could have presented at the time of the protest, but did not, the argument does not provide a basis for reconsideration. Sovereign Electric Co.--Request for Reconsideration, B-214699.2, Feb. 12, 1985, 85-1 CPD ¶ 183.

The request for reconsideration is denied.

*for Seymour Efray*  
Harry R. Van Cleve  
General Counsel